

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TOP GENIUS MARITIME ANS, :
SKY BRILLIANCE SHIPPING ANS, :
and SKY BRILLIANCE SHIPPING :
ANS :
:

Plaintiffs, : 09 Civ. 2276

- against - :
:

TIANJIN MARINE SHIPPING :
COMPANY, LTD., TIANJIN TIANHAI :
GROUP CO., LTD., ASIAN EAGLE :
SHIPPING, LTD., and MARINE :
DRAGON SHIPPING INC. :
:

Defendants. :
-----X

VICTOR MARRERO, United States District Judge.

Counsel for plaintiffs, on behalf of the parties, having notified the Court, by letter dated November 19, 2009, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the Court shall promptly

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CONDITIONAL
ORDER OF DISCONTINUANCE
WITHOUT PREJUDICE

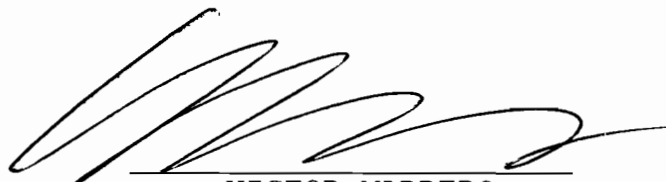
reinstate the action and any pending motions to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any assets restrained pursuant to the attachment order in this action shall remain in the hands of the garnishee, or to be transferred to an escrow account or paid into the Registry of the Court, subject to release only upon further Order of the Court or Court-approved agreement between the parties.

The Clerk of Court is directed to withdraw any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
20 November 2009



VICTOR MARRERO
U.S.D.J.

Holland & Knight

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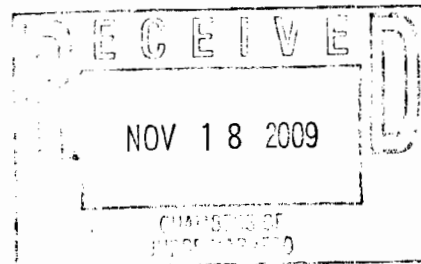
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November 19, 2009

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VIA FAX (212) 805-6382

United States District Judge Victor Marrero
Southern District of New York
Suite 660
United States Courthouse
500 Pearl Street
New York, New York 10007



Re: *Top Genius Maritime ANS, Sky Brilliance Shipping ANS and Sky Treasure Shipping ANS v. Tianjin Marine Shipping Company Limited, Tianjin Tianhai Group Co., Lds., Tsinliens Transportation Co., Ltd., Asian Eagle Shipping Limited and Marine Dragon Shipping Inc.,*
USDC, SDNY Doc. No. 09 Civ. 2276 (VM)
Our File: 500177.03288

Dear Judge Marrero:

We are attorneys for Plaintiffs Top Genius Maritime ANS, Sky Brilliance Shipping ANS and Sky Treasure Shipping ANS ("Plaintiffs") in the referenced action, which was filed pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. We write jointly with counsel for Defendants, Mr. Constandinos Vennis on behalf of Tianjin Marine Shipping Company Limited, Tianjin Tianhai Group, Co. Ltd, and Asian Eagle Shipping Limited and Mr. Andrew Warner on behalf of Marine Dragon Shipping Inc.

We are pleased to report that counsel for all parties to this action have now confirmed their authority to proceed with the settlement agreement described to the Court in previous letters by counsel for Marine Dragon Shipping Inc. ("the Agreement"). In particular, Section 7.2 of the Agreement provides that the parties agree to immediately suspend the Rule B action until December 10, 2009, the date of which a deposit is due for the purchase of vessels. Upon payment of the deposit, the parties will submit a stipulation and dismissal order for the Court's review and execution, which will include instructions for the release of restrained funds.


The parties are fully aware of the Court's Order to Show Cause issued in this matter in which a response is now due by Plaintiffs on Friday, November 20. In light of the Agreement, however, the parties request that the Order to Show Cause be stayed. Plaintiffs confirm that they are not and will not serve the order and writ of attachment on garnishee banks going forward and consents to an order directing Plaintiffs in this regard.

Honorable Victor Marrero
United States District Judge
United States District Court
Southern District of New York
November 19, 2009
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The parties thank the Court for its consideration of the matters herein and are of course available to answer any questions the Court may have.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Michael J. Frevola, Esq.
Christopher R. Nolan, Esq.

cc: **By E-mail**

Chalos O'Connor & Duffy
Andrew J. Warner, Esq.
Counsel for Defendant Marine Dragon Shipping Inc.

Law Offices of Constandinos J. Vennis, PLLC
Constandinos Vennis, Esq.
Counsel for Tianjin Marine Shipping Company Limited,
Tianjin Tianhai Group, Co. Ltd, and Asian Eagle Shipping Limited